REMARKS

Claims 1, 4-7, 9-14, 16-18, 23, 24, 26-32, 37, 38 and 49-51 are all the claims pending in the application.

Claim rejections under 35 U.S.C. § 102(b)

Claim 51 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sako et al., (U.S. Patent No. 7,231,327; hereinafter "Sako"). Applicant traverses the rejection at least for the following reasons.

In response to the arguments section on pages 2 and 3 of the Office Action, the Examiner maintains that Sako in column 9, lines 11-29 discloses "a generating device for generating first copy control information indicating a number of times which the recording information can be recorded after being recorded into the recording medium if it is determined that the outputting speed is higher than the reproducing speed, and for generating second copy control information indicating a number of times which the recording information can be recorded before being recorded into the recording medium if it is determined that the outputting speed is not higher than the reproducing speed." Applicant disagrees with the Examiner for at least the following reasons.

According to the claimed invention, i) the number of times the recording information can be recorded after being recorded into the recording medium or ii) the number of times the recording information can be recorded before being recorded in to the recording medium is determined based on whether the outputting speed is higher that the reproducing speed.

On the other hand, Sako merely discloses different type of copy permission data recorded on the optical disc. This copy permission data may be i) uni-copying at standard speed, ii) uni-copying at standard speed or higher speed, iii) uni-copying at higher speed or only first

generation copying at the standard reproducing speed and iv) permitting copying at whichever speed (see Sako at column 9, lines 21-31). As such, according to Sako, different codes represent different types of copy permission. However, providing different codes for different copy permissions do not teach or suggest determining i) the number of times the recording information can be recorded after being recorded into the recording medium or ii) the number of times the recording information can be recorded before being recorded in to the recording medium based on the outputting speed and reproducing speed. That is, Sako does not teach or suggest using the outputting speed and the reproducing speed to determine whether the number of times the recording information can be recorded after being recorded into the recording medium or ii) the number of times the recording information can be recorded before being recorded in to the recording medium.

In view of the above, Applicant submits that Sako does not disclose all the feature of the claim 51, and therefore claim 51 is patentable over the cited reference.

Claims rejections under 35 U.S.C. § 103(a)

Claims 1, 4-7, 9-10, 16-18, 23, 24, 26-27, 32, 37-38 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al., (US Patent No. 6,539,468; hereinafter "Inoue"), and further in view of Kim et al., (US Patent No. 5,799,081; hereinafter "Kim"). Applicant traverses the rejections for at least the following reasons.

Independent claim 1

Claim 1 recites, *inter alia*, "the generating device generates a sign that indicates no more copies are allowed as the copy control information, the multiplexing device included in the information output device multiplexes the recording information and the copy control

information, and the output device outputs the multiplexed information to said information recording apparatus." Applicant submits that Inoue and Kim, alone or in combination, do not disclose the unique features of claim 1 recited above.

In the Amendment filed June 16, 2008, Applicant submitted that since Inoue discloses a writing apparatus modifying the copying control information by itself, it does not disclose the generating a sign that indicates no more copies are allowed as the copy control information, the multiplexing the recording information and the copy control information, and the outputting the multiplexed information to said information recording apparatus.

On page 5 of the Final Office Action, the Examiner maintains that Inoue (U.S. Patent No. 6,539,468) discloses these features of claim 1 in column 10, line 56 - column 11, line 16 and column 11, line 41-47, except for the feature of the multiplexing device being included in the information output device. To supply for this feature missing in Inoue, the Examiner turns to column 7, lines 30-38 and column 14, lines 25-36 of Kim.

However, Applicant respectfully submits that these portions cited by the Examiner fails to teach or suggest generating a sign that indicates no more copies are allowed as the copy control information if the recording information is to be prohibited from being copied after being recorded into the recording medium, and then multiplexing the recording information and the copy control information, and the outputting the multiplexed information to said information recording apparatus.

Specifically, in column 7, lines 30-38, Kim discloses CPTC information for illegal view copy protection and multiplexing the scrambled audio/video bit stream and encrypted CPTC information. However, this portions of the cited reference merely discloses CPTC information and does not teach or suggest generating a sign that indicates no more copies are allowed as the

copy control information if the recording information is to be prohibited from being copied after being recorded into the recording medium.

In view of the above, Applicant respectfully submits that claim 1 is allowable over the combined references.

Furthermore, Nissl, Sako and Videcrantz do not disclose the above mentioned features of the present invention.

Independent claims 7, 9, 10, 18, 24, 26, 27, 32 and 38

Applicant submits that claims 7, 9, 10, 18, 24, 26, 27, 32 and 38 recite subject matter analogous to claim 1, and therefore are allowable for at least the similar reasons claim 1 is shown to be allowable.

Dependent claims 4-6, 17, 23 and 37 and 50

Applicant submits that claims 4-6, 17, 23 and 37 and 50 depend from one of the independent claims that have been shown to be allowable, and therefore are also allowable at least by virtue of their dependency and additional limitations thereof.

Dependent claims 11 and 28

Claims 11 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Kim as applied to claims 10 and 27, and further in view of Sako. Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Sako does not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 11 and 28 depend from one of the independent claims that have been shown to be allowable, claims 11 and 28 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

Dependent claims 12, 14, 29 and 31

Claims 12, 14, 29 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Kim as applied to claims 10 and 27, and further in view of Nissl et al., (US Patent No. 6,530,023; hereinafter "Nissl"). Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Nissl does not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 12, 14, 29 and 31 depend from one of the independent claims that have been shown to be allowable, claims 12, 14, 29 and 31 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

Dependent claims 13 and 30

Claims 13 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue, Kim and Nissl as applied to claims 12 and 29, and further in view of Sako. Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Nissl and Sako do not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 13 and 30 depend from one of the independent claims that have been shown to be allowable, claims 13 and 30 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

Dependent claim 49

Claim 49 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Kim as applied to claim 1, and further in view of Videcrantz et al., (US Patent No. 6,275,588; hereinafter "Videcrantz"). Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Videcrantz does not cure the deficiency of Inoue noted above with respect to claim 1 and since claim 49 depends from claim 1 that has been shown to be allowable, claim 49 is allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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